IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION NO.82 OF 2005
IN
WRIT PETITION NO.1650 OF 2005

The Bombay Dyeing & Manufacturing Company Limited .. Petitioners
V/s
Indian National Trust for Art & Cultural Heritage .. Respondents

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Mr.S.Rustomjee i/by Mr.Kedar Dighe & Mr.V.S.Khanavkar for the Petitioners.

R.M.Sawant, Govt.Pleader for State.

Mr.K.K.Singhvi, Senior Advocate with Mrs.Shobha Ajitkumar for MCGB.

Mr.Rohit Kapadia, Sr.Advocate with Mr.Percy Ghandhy and Mr.S.Kathawalla i/by M/s.Federal Rashmikant for Respondent No.14.

Mrs.Meena Doshi for Respondent Nos.7 & 8.

Mr.E.P.Bharucha, Sr.Advocate with Mr.Zal Andhyarujina with Mr.Mohan Salian and Ms.Sheetal Avhad i/by Gagrats for Respondent No.17.

Mr.Zuben Kamdin for Respondent No.13.

Mr.J.J.Bhatt, Senior Advocate with Mr.Shyam Mehta i/by M/s.Federal & Rashmikant for Respondent Nos.10 and 11.

CORAM: DR.S.RADHAKRISHNAN &
S.C.DHARMADHIKARI, JJ.

DATE : 20.01.2006.

P.C.:

1. Heard the learned Counsel for the parties. By this Review Petition, the Petitioners are seeking certain corrections in the order passed by this Court on 28th October, 2005.

2. With regard to the appearances shown in the order dated 28th October, 2005 the learned Counsel for the Petitioners has pointed out the following errors/omissions:-

(i) Mr.Rohit Kapadia, Senior Advocate with Mr.Percy Gandhi and Mr.S.Kathawala, Advocates appearing for Respondent No.14 were not instructed by M/s.Wadia Ghandhy & Company as inadvertently recorded in the order dated 28.10.2005, but were instructed by M/s.Federal Rashmikant.

(ii) The appearances of Mr.J.J.Bhatt, Senior Advocate with Mr.J.P.Sen Advocate i/by M/s.Federal & Rashmikant for Respondent No.12 and Mr.P.N.Mody, Advocate i/by M/s.Federal & Rashmikant for Respondent No.9 have not been recorded in the order dated 28.10.2005.

(iii) The appearance of Mr.J.J.Bhatt, Senior Advocate alongwith Mr.Shyam Mehta, Advocate for Respondent Nos.10 and 11 has not been recorded.

3. The order dated 28th October, 2005 therefore stands corrected to the effect that it should show the correct appearance as per the aforesaid paragraphs (i), (ii) and (iii).

4. Thereafter the learned Counsel for the Petitioners in Paragraph No.5(iv) of this Review Petition has stated that, in our order dated 28th October, 2005 the submission of the Counsel appearing on behalf of the Petitioners and Respondent Nos.16 and 17 that **they should be heard in the matter before the Court decided the issue of grant of any interim order/relief**, has inadvertently not been recorded. So far as this submission of the learned Counsel for the Petitioners is concerned, we make it clear that we have not passed final or any interim order.

5. Thereafter the learned Counsel for the Petitioners in Paragraph No.5(v) of this Review Petition has stated that, **the private mill owners had not given any assurance to the effect that they would grant any other assistance to the MHCC for carrying out the survey of the structures located in their mills**, and therefore, according to the learned Counsel for the Petitioners the assurance recorded in Paragraph No.19 of our order dated 28th October, 2005 is erroneous. So far as this submission is concerned, we are reproducing hereinbelow the Paragraph No.19 of our order dated 28th October, 2005, which reads as under:-

"19. We are happy to note that this suggestion made by us has been accepted by all learned Counsel. Learned Counsel appearing for NTC as well as private mill owners agree to provide access to the Committee for carrying out survey of the structures located in the Cotton Textile Mills. They assure that all assistance in that behalf would be rendered to the Committee".

6. The grievance of the learned Counsel for the Petitioners is only with regard to the last sentence of the aforesaid Paragraph No.19 viz.the sentence that **"They assure that all assistance in that behalf would be rendered to the Committee".** Excepting this last sentence in Paragraph No.19 of our order dated 28.10.2005, the learned Counsel for the Petitioners has no grievance to the earlier sentences recorded in the said Paragraph No.19. We make it clear that, what we had indicated in the last sentence of Paragraph No.19 of our order dated 28.10.2005 by using the words **"all assistance in that behalf"** would mean the assistance for

the purpose of carrying out survey of the structures located in the Cotton Textile Mills.

7. With the foresaid corrections and clarification, Review Petition stands disposed of.

(DR.S.RADHAKRISHNAN, J.)

(S.C.DHARMADHIKARI, J.)